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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,040	01/20/2004	Chun-I Chen		7108
7590	09/14/2005		EXAMINER	
Wisam Enterprises Co., Ltd.			LEE, GUNYOUNG T	
P. O. Box No. 6-57			ART UNIT	PAPER NUMBER
Junghe			2875	
Taipei, 235				
TAIWAN			DATE MAILED: 09/14/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/759,040	CHEN, CHUN-I <i>AM</i>
	Examiner	Art Unit
	Gunyoung T. Lee	2875

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin (US 1,975,893) in view of Goldfarb (US 4,237,650) and Stall (US 3,015,895).

3. In regards to claims 1 and 2, Conklin discloses a toy telephone having:

- A light bulb (Fig. 5, 28);
- A support stand (Fig. 5, 11);
- A base (Fig. 5, 10).

However, Conklin does not disclose:

- A (sphere) plug configured on the base utilizing a flexible tube to mutually connect to the base (claim 1);
- A general (sphere) plug seat and a sensor (sphere) plug seat defined in the base such that shape of each (sphere) plug seat respectively corresponds with shape of the (sphere) plug (claim 1);
- A microswitch configured below the sensor (sphere) plug seat;

- Wherein, the microswitch is connected to a power cord, accordingly, a power supply and a light bulb (claim 1);
- Wherein the (sphere) plug and the sensor (sphere) plug seat are fabricated from a metallic conducting material, and a conducting wire is configured within the flexible tube (claim 2).

4. In regards to the (sphere) plug configured on the base utilizing a wire embedded flexible tube and the (sphere) plug seats defined in the base, Goldfarb discloses a telephone play apparatus having:

- A plug (Fig. 1, 20) configured on the base (12) utilizing a flexible tube (52) with a conducting wire (abstract, lines 11-13: telephone line obviously contains a conductive wire) to mutually connect to the telephone base (12);
- A general plug seat (Fig. 1, 50) (col. 3, lines 12-14) and a sensor plug seat (18) defined in the base (12) such that the shape of each plug seat respectively corresponds with the shape of the plug (col. 2, lines 19-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the toy telephone of Conklin with the play apparatus as shown in Goldfarb to provide an educational feature that creates an illusion of amusement event occurring (e.g. illuminating lights or appearing pictures) to a child when the child successfully accomplishes the task of inserting the plug in the proper shaped hole or seat.

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5. In regards to the shape of the plug, Goldfarb does not expressly disclose a sphere plug. However, Goldfarb acknowledges that various types of shapes are used for child play apparatus (col. 1, lines 11-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a sphere plug since it has been held by the courts that a change in shape or configuration, without any criticality, is nothing more than one of numerous shapes that one of ordinary skill in the art would find obvious to provide based on the suitability for the intended final application. See *In re Dailey*, 149 USPQ 47 (CCPA 1966).

6. In regards to the microswitch configured below the sensor plug seat and the metallic conducting material in the plug and the sensor plug seat, Stall discloses an educational toy having:

- A microswitch (Fig. 4, 27) configured below the sensor plug seat (Fig. 1, 22);
- Wherein, The microswitch (Fig. 4, 27) is connected to a power cord (55), accordingly, a power supply (Fig. 3, B) and a light bulb (29);
- Wherein a plug (Fig. 2, 30) and the sensor plug seat (22) are fabricated with electrically conducting elements (41, 42) and (39, 40) respectively (col. 4, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the microswitch, plug and sensor plug seat as shown in Stall for the toy telephone of Conklin modified by Goldfarb to teach the correlation between related shapes or symbols, particularly to a young child who is not inclined to study just for the

sake of study alone, but is quite willing to learn if it is incidental to playing with a toy or game.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Segal (US 2,416,959) and Gilden et al. (US 4,609,356) show educational toys which teach the correlation between related shapes. Levkoff (US 3,697,737) shows a note pad holder with a light which is operable by removing a pen or pencil from its receptacle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached on 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL  
9/8/2005



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